

CITY OF ALAMO HEIGHTS
CITY COUNCIL
August 10, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 4:30 p.m. on Monday, August 10, 2009.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Bill Kiel
Councilman Stan McCormick
Councilman Bobby Rosenthal
Councilwoman Jill Souter
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brenan
Assistant City Manager/Public Works Director Shawn P. Eddy
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Ann McGlone
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Jennifer Reyna
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

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Mayor Louis Cooper called the meeting to order at 4:33 p.m.

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Closed Session

At 4:34 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by:

1. Section 551.074 of the Texas Government Code to deliberate the retirement of the current City Manager and the appointment of a new City Manager
2. Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property
3. Section 551.071 of the Texas Government Code to consult with the City Attorney about litigation involving 108 Cloverleaf Avenue

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Mayor Cooper reconvened the regular meeting at 5:35 p.m. There was no action taken during the closed session.

Item # 4 Consideration of the following:

ORDINANCE NO. 1834

- a. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LETTER AGREEMENT MEMORIALIZING THE TERMS OF RETIREMENT OF CITY MANAGER REBECCA WALDMAN**

A motion for approval was made by Councilwoman Jill Souter. The motion was seconded by Councilman Bobby Rosenthal and passed by unanimous vote.

ORDINANCE NO. 1835

- b. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT ENGAGING ANN BENSON MCGLONE AS CITY MANAGER EFFECTIVE OCTOBER 1, 2009**

A motion for approval was made by Councilman Stan McCormick. The motion was seconded by Mayor Pro Tem Bill Kiel and passed by unanimous vote.

Mayor Cooper thanked City Manager Rebecca Waldman for her hard work and congratulated Ann McGlone on her new position.

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Mayor Cooper asked City Council for any corrections to the minutes of the June 22, 2009, Work Session Meeting. A motion was made by Councilwoman Susan Harwell to approve the minutes of June 22, 2009 as amended. The motion was seconded by Councilman Bobby Rosenthal and passed by unanimous vote.

Mayor Cooper asked City Council for any corrections to the minutes of the June 22, 2009, City Council Meeting. A motion was made by Councilwoman Souter to approve the minutes of June 22, 2009 as amended. The motion was seconded by Councilman McCormick and passed by unanimous vote.

Mayor Cooper asked City Council for any corrections to the minutes of the June 30, 2009, Work Session Meeting. A motion was made by Councilwoman Harwell to approve the minutes of June 30, 2009 as amended. The motion was seconded by Mayor Pro Tem Kiel and passed by unanimous vote.

Mayor Cooper asked City Council for any corrections to the minutes of the July 24, 2009, Work Session Meeting. A motion was made by Councilman Rosenthal to approve the minutes of July 24, 2009 as amended. The motion was seconded by Councilwoman Souter and passed by unanimous vote.

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Item # 6 City Manager's Report

a. Introduction of the new Medical Director and Health Inspector

Fire Chief Bill Hagendorf announced that current Medical Director Mr. Ralph Terpolilli's professional services contract will end on September 30, 2009. Fire Chief Bill Hagendorf introduced the new Medical Director, Dr. Mark Ogden and the Assistant/Alternate Medical Director, Dr. Tim Taylor. Dr. Ogden and Dr. Taylor from Emergency Physician Affiliates will begin their services on October 1, 2009 to provide medical direction services. Dr. Ogden and Dr. Taylor expressed their appreciation to City Council for the opportunity to serve Alamo Heights.

The new Health Inspector for the City of Alamo Heights will be introduced at the August 24, 2009 City Council meeting.

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Citizens To Be Heard Concerning Non-Agenda Items

Margaret Houston, 140 Patterson Avenue, expressed her gratitude on the time taken to produce the new design of the City Hall Complex and her support for the necessity of a new City Hall Complex, particularly for Police and Fire. She also expressed her opposition to the removal of the "tin-man" water tower as reflected in the new design of the City Hall Complex.

John Hertz, Alamo Heights Neighborhood Association, 316 Harrison Avenue, expressed concern on how the Community Infrastructure Economic Development (CIED) fund is utilized. Mr. Hertz presented three proposals for the City to consider in utilizing CIED funds: (1) Installation of solar street lights that includes replacement of existing street lights, as they become defunct; (2) Augment the use of CIED funds to allow purchase of solar materials or panels to reduce the consumption of energy in city facilities; (3) City should ask CPS Energy Board to leverage CIED funds to purchase solar panels for lighting and water heating that may reduce the consumption of energy within private communities.

Margaret Hale, 301 Alamo Heights Boulevard, expressed concern about the development of Broadway, vacant houses and how taxes are not being utilized appropriately by the City.

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Consent Items

Item # 8 Mayor Cooper read the following captions.

Consideration of a request by Alamo Heights Independent School District to hold its Annual Howdy Night Parade on September 30, 2009, from 3:30 p.m. until 4:30 p.m. beginning at the 1000 block of Townsend Avenue and Broadway to the Alamo Heights High School, 6900 Broadway

Item # 9 **Consideration of a request for an extension of the demolition permit approved on January 26, 2009 for 111 Inslee Avenue by Edward Hernandez, owner, represented by Peter J. DeWitt, AIA of DeWitt Architectural Design & Consulting, to demolish 86% of the walls and 100% of the roof of an existing one story single family residence, and 100% of a detached garage structure for the purpose of constructing a two story single family residence and a one and a half story detached garage on a property zoned Single Family – A**

Item # 10 **Acceptance of an award from the Texas Department of Transportation to the Alamo Heights Police Department in the amount of \$1,000 for participation in the “Teen Demo” Click-It-Or-Ticket Campaign**

A motion for approval was made by Councilwoman Harwell. The motion was seconded by Councilwoman Souter and passed by unanimous vote.

Staff Reports

Item # 11 Mayor Cooper read the following caption.

Discussion on a process to Change Speed limits on qualifying residential streets

Police Chief Rick Pruitt presented a PowerPoint that summarized the background information and the legislative change to Texas Transportation Code 545.356 (b-1). Staff is seeking guidance from the City Council on a process to pursue amendment to City Code addressing speed limits in the City of Alamo Heights.

Chief Pruitt stated that the amendment to Section 545.356 of the Texas Transportation Code received legislative support from House Speaker Joe Strauss, Senator Jeff Wentworth, and Representative Carol Alvarado (Houston). House Bill 2682 sponsored by Representative Alvarado was successfully passed by the House and Senate and was signed into law by Governor Rick Perry on June 19, 2009 and became effective immediately. Amended Section 545.356 of the Texas Transportation Code allows cities to reduce speeds on qualifying streets to 25 mph regardless of existing parking restrictions and removed the requirement that a street be 35 feet or less in width.

Chief Pruitt stated that city staff met with the Infrastructure and Services Committee to discuss a procedure for identifying qualifying streets that would be considered for lower speed limits and the process to determine the best course of action to implement speed limit changes. He presented the following options: (1) change the City Code by Council action as provided in Section 545.356 or (2) place a referendum on the ballot of the November 3, 2009 Special Election to allow citizens to vote on 25 mph speed limits for qualifying streets.

Mayor Pro Tem Kiel summarized the background of pursuing to lower the residential speed limits and expressed safety concerns from the citizens on speeding. In addition, there are citizens that are against erecting stop signs or signage, contributing to additional street signage within the City. Mayor Pro Tem Kiel commented the signage process would include posting entry markers on major streets (Austin Highway, N. New Braunfels and Broadway) to display 25 mph within residential streets unless otherwise marked. It would also include posting speed limit signage on the main streets (Austin Highway, N. New Braunfels and Broadway) reflecting 30 mph as the speed limit.

Councilman Rosenthal stated that lowering the speed limits does impact all citizens within the City and recommended that lowering the speed limits should be presented to the voters. Councilman Rosenthal commented that this issue is a question of whether Council should make a decision or if the issue should be presented as an additional proposition on the November 3, 2009 Special Election ballot.

There was discussion among City Council on whether to vote on the item or to obtain community input by placing it on the November 3rd Special Election ballot.

Councilman McCormick questioned how the proposed lower speed limit would be enforced. Chief Pruitt stated that an implementation plan will be developed and streets will be monitored. Councilwoman Harwell stated that reducing the speed to 25 mph should encourage traffic to stay on major thoroughfares.

Mayor Pro Tem Kiel stated that pass through traffic will only get worse as work expands at Ft. Sam Houston.

The following citizens spoke on this matter:

Margaret Houston, 140 Patterson Avenue, stated that State Legislature has provided municipalities authority to enforce lowering the speed limit to 25 mph and recommended Council vote on it rather than placing on the November 3, 2009 Special Election ballot.

Margaret Hale, 301 Alamo Heights Boulevard, expressed concern about the costs of signage for the lower speed limit.

Councilwoman Souter asked Chief Pruitt about the proposed ballot language and the process. Chief Pruitt responded to Councilwoman Souter that the ballot would allow citizens to support a change to a 25 mph speed limit on qualifying streets. A list of qualifying streets will not be in the ballot language. The Police Department would work

with the Infrastructure and Services Committee to decide what streets would be recommended for 25 mph speed limits. He noted that the process would include: 1) what streets qualify under the statute and 2) what type of signage will be required.

Councilwoman Harwell commented that the citizens should know which streets are qualified for a lower speed limit prior to an election. Chief Pruitt stated it is a thorough process and determining which streets would qualify would not be available at the time of calling an election.

There was discussion among City Council about the process if this item failed to pass in the November Election. Mayor Pro Tem Kiel cautioned that the deadline to vote on this item is the next Council meeting on August 24th, and if Council defers the item, it will not be placed on the November ballot.

Councilman McCormick asked about the cost of the election as well as the cost of the signage. Chief Pruitt replied this proposition would not create additional charges in election costs because it would be on the same ballot as the General Obligations Bond proposition. Chief Pruitt stated the cost of signage would be determined by the amount of signage needed for entry markers and posting on the main streets within the City.

Mayor Pro Tem Kiel recommended that City Council instruct City staff to schedule this item for Council consideration on the August 24th agenda. City Council requested Chief Pruitt to provide costs for signage, specifically the cost of signage for entry markers on the major streets displaying a 30 mph speed limit. This allows for further discussion at the next Council meeting and provides additional time for citizens to speak. Council will then make a decision on whether to vote on the item or place it on the November ballot.

Item # 12 Mayor Cooper read the following caption.

Presentation of Proposed FY 2009 – 2010 Operating Budget

Assistant City Manager/Public Works Director Shawn P. Eddy presented a PowerPoint summarizing the proposed FY 2009 – 2010 Operating Budget.

The proposed budget document and the presentation will be available for viewing at the City's website on Tuesday, August 11, 2009. A public hearing will be held on September 14, 2009, and the budget and tax rate are scheduled for adoption on September 28, 2009.

Mayor Cooper thanked City staff and City Council members that contributed to the budget document.

The following citizens spoke on this matter:

Margaret Houston, 140 Patterson Avenue, asked, in regards to part of the pay stipend as presented in Mr. Eddy's presentation, which employees are eligible to receive performance pay in 2010. Ms. Houston suggested the City provide additional training to new supervisors that are completing employee evaluations.

Councilwoman Souter responded to Ms. Houston that employees who are rated at a high performance level are eligible to receive the performance pay. Councilwoman Souter explained the evaluation process. Mayor Pro Tem Kiel summarized the performance pay program and stated that, without the one-time pay stipend, the impact of the employee performance evaluation program would be lost.

John Joseph, 206 Joliet, stated he was impressed with the detail in this budget but would like to see a budget summary included in the document.

Mayor Pro Tem Kiel stated that the budget document, with a budget summary included, and the PowerPoint presentation will be available on Tuesday, August 11, 2009 on the city's website and a copy of the budget document will be available for viewing at City Hall.

Item # 13 Mayor Cooper read the following caption.

Setting the Proposed FY 2010 Tax Rate and Scheduling Public Hearings

Finance Director Cynthia Barr made a PowerPoint presentation that included the proposed FY 2009 - 2010 tax rate, the FY 2009 Effective and Rollback Tax Rates and the schedule of public hearings. Staff recommended approval.

Ms. Barr reviewed the FY 2009 Effective Tax Rate and the FY 2009 Rollback Tax Rate. Ms. Barr stated that no rate increase is proposed for FY 2009 - 2010 and explained that the Proposed Tax Rate is \$0.355662 per \$100 valuation. Ms. Barr explained how the proposed tax rates are calculated. She stated that the effective tax rate is \$0.348204 per \$100 valuation.

Per Chapter 26 of the Texas Property Code, if the proposed tax rate exceeds the lower of the rollback or effective tax rates, City Council must take a record vote and schedule two (2) public hearings. In addition, publication of Effective and Rollback tax rates and required Notice of Public Hearings will be published on Thursday, August 13th in the *North Central News*. The first public hearing on the FY 2009 - 2010 Proposed Ad Valorem Tax Rate is on August 24, 2009. The second public hearing on the FY 2009 - 2010 Proposed Ad Valorem Tax is on September 14, 2009. City Council will vote on adoption of the FY 2010 Tax Rate on September 28, 2009.

A motion for approval on the proposed tax rate of \$0.355662 per \$100 valuation was made by Councilwoman Souter. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

Mayor Cooper announced that Item # 15 would be considered next.

Item # 15 Mayor Cooper read the following caption.

A request for a Building Permit for 200 Patterson Avenue by 200 Patterson Condominium Association, Inc., represented by J. David Mack of Primero Engineering, to replace failed waterproofing over an exposed concrete deck

Community Development Director Ann McGlone gave a PowerPoint presentation that included photos, site plan, existing and proposed plans. The proposed project will require the removal of existing driveway pavers, and some existing concrete landscaping planters above the underground parking. The Architectural Review Board recommended approval.

Ms. McGlone stated that all exterior renovations that exceed \$100,000 on properties zoned Multi-Family District are subject to review by the Architectural Review Board and must be approved by City Council.

The construction project will require the access to the parking garage be closed for a certain portion of the project; therefore, the Department of Community Development has agreed to allow temporary parking on the vacant lot adjacent to 200 Patterson. The Police Department is also allowing temporary parking for construction workers' vehicles in a designated area on the south side of Patterson Avenue by permit only.

J. David Mack, an Engineer with Primero Engineering, representing the 200 Patterson Condominium Association, summarized the proposed project located at 200 Patterson Avenue. He stated that landscaping is a separate project and RVK Architects have been hired to design the landscaping. He presented visual display boards that detailed the ground level demo plan.

Brenda Love, General Manager, summarized the parking scenario and requested temporary relief to address the parking issues at 200 Patterson Avenue. Parking issues include not sufficient parking for all residents, guests, nurse personnel, trainers and working contractors. Parking may possibly worsen and obstruct emergency vehicles.

Mayor Pro Tem Kiel asked about the timeframe for the first phase of the project. Ms. Love responded 2 – 2 ½ months to complete the first phase of the project and does not include the landscaping project. The next phase of the project will probably happen next year or the following year.

Councilwoman Souter asked about the longevity of the materials used in the project. Mr. Mack responded materials are guaranteed for 20 years. Councilwoman Harwell asked if there were other options to address the current circumstances in the project. Mr. Mack responded that this specific project may need to be done every 20 years but anticipating better materials may be available in the future.

Parking was briefly discussed among the City Council. Ms. McGlone stated that today's agenda item is in relation to the Architectural Review Board case and parking will be addressed administratively.

Pic Swartz, 200 Patterson Avenue, informed City Council there have been attempts by the Condominium Association to address the structural needs without the assistance of the City. Mr. Swartz stated the building is 25 years old and the structure needs a lot of maintenance.

A motion for approval was made by Councilwoman Souter. The motion was seconded by Councilman McCormick and passed by unanimous vote.

Item # 16 Mayor Cooper read the following caption.

A request for a Demolition Permit for 325 Kampmann Avenue by Tracy W. Druce, owner, represented by Don E. Novak, to move an existing single story structure on a property zoned Multi-Family District. No new construction is being proposed at this time.

Ms. McGlone gave a PowerPoint presentation that included photos and an existing site plan. No new construction is proposed at this time. The building is not historically significant and the structure is being donated to Habitat for Humanity. Staff recommended approval with the conditions that 1) the remaining properties be graded to allow for proper drainage, and 2) that the properties be kept cleaned of all trash, debris, weeds, and overgrowth.

Ms. McGlone stated that two adjacent properties, 329 Kampmann Avenue and 220 Routt Street were approved for demolition with conditions on June 22, 2009.

Public comment period began on July 10, 2009 and one electronic communication was received. The electronic communication received expressed concern about the demolition requests at 325 Kampmann Avenue and 216 Routt Street. Pamela Snyder is concerned about the empty overgrown lots in the neighborhood, losing the beauty and charm that is City of Alamo Heights.

Councilwoman Souter stated that John Grable (adjacent neighbor) and Larry Gottsman (adjacent neighbor) were fine with the moving of the structure/demolition.

Councilwoman Harwell asked if trees and shrubs would remain on the property. Tracy W. Druce, owner, stated that the house will be moved and some shrubs at the front of the property will be removed. Mr. Druce stated that the trees would remain on the property.

Councilwoman Harwell asked if he had been in contact with the neighbors regarding this request. Mr. Novak replied he had. Councilwoman Souter stated that neighbors are aware of this request.

Councilwoman Souter thanked Mr. Novak for clearing the two properties that were presented at the June 22, 2009 meeting. Councilwoman Souter commended Mr. Novak for moving the structure at 325 Kampmann Avenue, and donating it to Habitat for Humanity.

Margaret Houston, 140 Patterson Avenue, expressed concern that City Council is increasingly granting demolition permits without proposed construction plans.

Mayor Pro Tem Kiel referenced Section 5-370 in the Code of Ordinances, if no plans are submitted for a replacement structure at the time of the request for a demolition permit, and a building permit request is subsequently submitted to the city, the director shall forward the permit and plans for the city council review, as it relates to compatibility as defined before issuing a building permit.

Councilwoman Souter made a motion with conditions that included 1) the remaining properties be graded to allow for proper drainage, 2) that the properties be kept cleaned of all trash, debris, weeds, and overgrowth and (3) any asbestos be removed properly. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

Item # 17 Mayor Cooper read the following caption.

A request for a Demolition Permit for 216 Routt Street by Tracy W. Druce, owner, represented by Don E. Novak, to demolish an existing single story structure on a property zoned Multi-Family District. No new construction is being proposed at this time.

Ms. McGlone gave a PowerPoint presentation that included photos and an existing site plan. No new construction is proposed at this time. The building is not historically significant. Staff recommended approval with the conditions that 1) the remaining properties be graded to allow for proper drainage, and 2) that the properties be kept cleaned of all trash, debris, weeds, and overgrowth.

Ms. McGlone stated that two adjacent properties, 329 Kampmann Avenue and 220 Routt Street were approved for demolition with conditions on June 22, 2009. Public comment period began on July 10, 2009 and no written or additional electronic communication has been received.

Councilwoman Souter made a motion with conditions that included 1) the remaining properties be graded to allow for proper drainage, 2) that the properties be kept cleaned of all trash, debris, weeds, and overgrowth and (3) any asbestos be removed properly. The motion was seconded by Councilman McCormick and passed by unanimous vote.

Item # 18 Mayor Cooper read the following caption.

A request for a Demolition Permit for 416 College Boulevard by Roslyn Mazal, owner, to demolish 72% of a roof of an existing garage for the purpose of constructing a new second story addition on a property zoned Single Family - A

Ms. McGlone informed City Council that the applicant was not present and recommended postponement of the item to the next Council meeting.

A motion for postponement until the August 24, 2009 Council meeting was made by Councilwoman Souter. The motion was seconded by Councilman McCormick and passed by unanimous vote.

Item # 19 Mayor Cooper read the following caption.

A request for a Replat for 137 Katherine Court by Forrest Homes, LLC., owner, represented by Gibbons Surveying & Mapping, for a replat of Lot 30, W. ½ of 31, Block 2, CB 5600 into three separate lots (new legal description) currently zoned Multi-Family – D

Ms. McGlone gave a PowerPoint presentation that included photos, an existing and proposed site plans. The Planning and Zoning Commission recommended City Council to approve the replat of 137 Katherine Court.

Ms. McGlone informed that the applicant was here earlier but requested to postpone if there were any questions in order to avoid denial. Staff recommended approval.

Council asked about the discussion at the Planning and Zoning Meeting. Ms. McGlone responded that the discussion was brief as it was similar to a previous case.

A motion for approval was made by Councilman Rosenthal. The motion was seconded by Mayor Pro Tem Kiel and passed by unanimous vote.

Mayor Cooper announced that Item # 14 would be considered next.

Item # 14 Mayor Cooper read the following caption.

ORDINANCE NO. 1836

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CITY OF TERRELL HILLS AND THE CITY OF OLMOS PARK FOR POLICE AND FIRE DISPATCH SERVICE

Police Chief Rick Pruitt made a PowerPoint presentation that presented background and proposed contract information. Staff recommended approval.

Chief Pruitt explained that the City of Alamo Heights has provided police and fire dispatch services to Terrell Hills and Olmos Park since November 1988. Staff has reviewed several models for establishing rates for dispatch service and determined the Alamo Heights EMS model was most appropriate. The EMS model would cost share the dispatch operation and administrative costs by applying sixty percent (60%) of those costs to Alamo Heights, twenty-seven percent (27%) to Terrell Hills, and thirteen percent (13%) to Olmos Park. Chief Pruitt reviewed a table that included the cost comparisons between FY 2009 and FY 2010 and percentages of shared costs.

The contract for police and fire dispatch services is an Interlocal Agreement. The term of the proposed contract will begin on October 1, 2009 and shall end on September 30, 2012 renewing annually thereafter unless mutually revised or cancelled.

A motion for approval was made by Mayor Pro Tem Kiel. The motion was seconded by Councilman McCormick and passed by unanimous vote.

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A motion was made by Councilwoman Souter to adjourn the meeting. Motion was seconded by Councilman McCormick and passed by unanimous vote. Mayor Cooper adjourned the meeting at 9:08 p.m.



Louis Cooper
Mayor


Jennifer Reyna, TRMC
City Secretary